

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

RESOLUTION NO. 70-92

AMENDING RESOLUTION NO. 69-61 PRESCRIBING REVISED  
REQUIREMENTS FOR WASTE DISCHARGE BY THE CITY OF  
SUNNYVALE INTO GUADALUPE RIVER IN SANTA CLARA COUNTY,  
AND ADOPTING A COMPLIANCE TIME SCHEDULE.

WHEREAS THIS REGIONAL BOARD HAS CONSIDERED

INFORMATION ABOUT THIS DISCHARGE

1. This Regional Water Quality Control Board prescribed revised requirements for the City of Sunnyvale called the discharger below, in Resolution No. 69-61, adopted November 25, 1969.
2. The City of San Jose, acting under joint powers agreements with agencies designated as the "South Bay Dischargers", entered into a contract on September 2, 1970 with a consortium of consultants called "Consoer-Bechtel" for a study of alternative solutions for future disposition of South San Francisco Bay Waste Water.
3. This Board on October 22, 1970 adopted Resolution No. 70-76

"RECOMMENDATION TO THE STATE WATER RESOURCES CONTROL BOARD RELATIVE  
TO DELETION OF THE 90 PERCENT BIOCHEMICAL OXYGEN DEMAND REMOVAL  
LIMIT FROM WATER QUALITY OBJECTIVES FOR SAN FRANCISCO BAY"

RESOLVED BY THIS REGIONAL BOARD

BOARD INTENT

1. Protect the beneficial water uses listed under "Staff Investigation" in Resolution No. 69-61, except shellfishing.

In accordance with Section XVII of its Resolution No. 803, this Board has received a report from the Department of Fish and Game dated August 26, 1968, which describes beds suitable for shellfishing that are located near the Dumbarton Bridge. This Board will consider the matter of protecting these beds for the taking of shellfish for human consumption after it has reviewed a report to be submitted by the State Department of Public Health in accordance with Resolution No. 803.

2. Amend Resolution No. 69-61 to make it consistent with revisions to this Board's policy, as amended, and with the Porter-Cologne Act which became operative on January 1, 1970.

WASTE DISCHARGE REQUIREMENTS -- WASTE STREAM

1. The following requirement in Resolution No. 69-61:

"2. In any representative, 24-hour composite samples

Toxicity: survival of test fishes in 96-hour bioassays of the waste as discharged.

Any sample 75% minimum

Average of any three  
or more consecutive  
samples collected  
during any 21 or more  
days 90% minimum"

is hereby amended to read:

2. In any set of samples:

Toxicity: survival of test fishes in 96-hour bioassays of the waste as discharged

Any determination 70% minimum

Average of any three  
or more consecutive  
determinations made  
during any 21 or  
more days 90% minimum

2. The following requirement in Resolution No. 69-61 is hereby deleted:

"3. 5-day, 20°C BOD removal from the waste as indicated by analysis of 24-hour composite samples of effluent and influent shall be sufficient to maintain the dissolved oxygen concentration prescribed above, but BOD removal during any 21 or more days is not required to exceed:

Average 90%

Not more than two  
consecutive daily  
determinations shall  
indicate BOD removals  
less than 80%

Because of the wide variability in BOD concentration of the sewage influent to this plant, the Board will consider effluent BOD concentrations of 20 mg/l during the period from July 1 to December 1 and 30 mg/l during the balance of each year, as equivalent to 90% BOD removal."

3. The following requirement in Resolution No. 69-61:

"Dissolved oxygen                      5.0 mg/l, minimum"

is hereby amended to read:

Dissolved oxygen                      5.0 mg/l, minimum

When natural factors cause lesser concentrations, then this discharge shall not cause further reduction in the concentration of dissolved oxygen.

#### TIME SCHEDULE FOR COMPLIANCE WITH REQUIREMENTS

1. Pursuant to Section 13263(c) of the California Water Code, this Regional Board adopts the following time schedule for compliance with the dissolved oxygen requirement of Resolution No. 69-61, as herein amended:

Completion of subregional  
study    by January 1, 1972

Submit a detailed plan  
and time schedule for  
provision of necessary  
facilities    by March 15, 1972

2. The discharger is required to file written progress reports with this Regional Board pursuant to Section 13267 of the California Water Code by:

December 15, 1970  
April      15, 1971  
August    15, 1971  
January   15, 1972

#### REPORTING REQUIREMENTS

This Resolution includes items numbered 1, 2, 4, 5, 6 and 7 of the attached "Reporting Requirements", dated November 24, 1970.

#### NOTIFICATIONS

1. The provisions of Resolution No. 69-61 which are not specifically amended above, are hereby amended to make the code references consistent with the California Water Code, which became operative on January 1, 1970, by substituting Section 13050(m) in place of 13005, 13267(b) and 13268 in place of 13055 and 13055.1, and other substitutions necessary to identify current code sections which contain definitions, authorize Regional Board actions, or place responsibilities upon the discharger. The Reporting Requirements and Notifications prescribed above are added to those portions of Resolution No. 69-61 which remain in effect.

This Resolution will become effective upon approval by the State Water Resources Control Board of this Regional Board's Resolution No. 70-76 which was adopted on October 22, 1970 and which recommends deletion of the 90% BOD removal limit from the water quality control plan for San Francisco Bay.

2. The above compliance time schedule is subject to revision in the discretion of this Regional Board.
3. If the discharger fails to comply with the above compliance time schedule, the Executive Officer is instructed to bring a recommendation on the initiation of formal enforcement proceedings to the Regional Board for its consideration.
4. This Board will amend this Resolution by adopting a complete time schedule for compliance with the above dissolved oxygen requirement no later than April 30, 1972. In the light of presently available information, this compliance date will be no later than July 1978.
5. This Resolution includes items numbered 1, 2, 3, 4, 5, 6 and 7 of the attached "Notifications", dated January 6, 1970.

WILLIAM C. WEBER  
Chairman

November 24, 1970

I, Fred H. Dierker, hereby certify that the foregoing is a true and correct copy of Resolution No. 70-92 adopted by the California Regional Water Quality Control Board -- San Francisco Bay Region at its regular meeting on November 24, 1970.

FRED H. DIERKER, Executive Officer  
CALIFORNIA REGIONAL WATER QUALITY CONTROL  
BOARD -- SAN FRANCISCO BAY REGION

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION  
November 24, 1970

REPORTING REQUIREMENTS

1. This Board requires the discharger to file technical reports on self-monitoring work performed according to detailed specifications developed pursuant to the Regional Board's Resolution No. 70-43. (Reference: Sections 13267(b) and 13268, California Water Code.)
2. This Board requires the discharger to file a written report within 90 days after the average dry-weather waste flow for any month equals or exceeds 80% of the design capacity of his waste treatment and/or disposal facilities. The discharger's senior administrative officer shall sign a letter which transmits that report and certifies that the policy-making body is adequately informed about it. The report shall include:

Average daily flow for the month, the date on which the instantaneous peak flow occurred, the rate of that peak flow, and the total flow for that day.

The discharger's best estimate of when the average daily dry-weather flow rate will equal or exceed the design capacity of his facilities.

The discharger's intended schedule for studies, design, and other steps needed to provide additional capacity for his waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units. (Reference: Sections 13260, 13267(b) and 13268, California Water Code.)

3. This Board requires the discharger to file a time schedule for engineering studies on facilities needed to comply with the Board's receiving water objective of 5.0 mg/l of dissolved oxygen and/or to file a time schedule for deciding upon the feasibility of participating in regional water quality control systems if he does not meet that dissolved oxygen objective after providing waste treatment facilities which comply with the effluent BOD requirement prescribed elsewhere in this Resolution. (Reference: Sections 13267(b) and 13268, California Water Code.)
4. This Board requires the discharger to file technical reports on studies into correcting violations of the Board's water quality objectives caused by discharging combined storm water and sewage. Specifications for these studies shall be developed pursuant to the Board's Resolution No. 70-43. (Reference: Sections 13267(b) and 13268, California Water Code.)

5. This Board requires the discharger to file written reports within 15 days after each calendar quarter to include:

Name of and number of lots in each subdivision and preliminary maps of planned unit developments for which an application has been received for connection to the sewerage system. Anticipated date of connection of each subdivision to the sewerage system.

Finding and supporting data by governing body on effect of addition of each subdivision and planned unit development on violation of waste discharge requirements.

(Reference: Section 11551.6 Business and Professions Code and Sections 13267(b) and 13268, California Water Code.)

6. This Board requires the discharger to file a report on waste discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge. (Reference: Sections 13260(b) and 13264, California Water Code.)
7. This Board requires the discharger to file a written technical report at least 15 days prior to advertising for bids on any construction project which would cause or aggravate the discharge of waste in violation of these requirements; said report to describe the nature, costs, and scheduling of all actions necessary to preclude such discharge. In no case should any discharge of sewage bearing wastes be permitted without at least primary treatment and chlorination. (Reference: Sections 13267(b) and 13268, California Water Code.)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION  
January 6, 1970

NOTIFICATIONS

1. This Board requests the discharger to take note of the comments and recommendations contained in all the correspondence the Board has received and considered concerning this matter, and the Executive Officer is directed to transmit copies of that correspondence to the discharger.
2. This Board considers "Waters of the State" as defined in Section 13050(e) of the California Water Code to include waste waters over which the discharger has lost control.
3. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under Federal, State, or local laws, nor guarantee the discharger a capacity right in the receiving waters.
4. This Board will prescribe more restrictive requirements for this waste discharge if necessary:
  - To achieve or maintain dissolved oxygen concentration of at least 5.0 mg/l in tidal waters of the San Francisco Bay System pursuant to Resolution No. 67-30,
  - To protect shellfishing areas which the Board designates pursuant to Resolution No. 803,
  - To protect the beneficial water uses, and to achieve other objectives adopted in the resolutions cited above.
5. This Board will review these requirements periodically, as required by law, and will notify the responsible persons before doing so. (Reference: Section 13263(e), California Water Code.)
6. The water quality parameters used in this resolution are as defined in the latest edition of "Standard Methods for the Examination of Water and Wastewater" by the American Public Health Association.
7. The discharger is advised that this Board will use the general concepts of Phase I of the plan recommended by the Final San Francisco Bay-Delta Program Report as guidelines in reviewing any application for construction grants for sewerage facilities proposed to comply with these requirements, and if the discharger intends to make such application he must demonstrate the compatibility of the proposed facilities with the general concepts of the Bay-Delta Program.